

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CRAIG J. CHILLEMI,

Plaintiff,

ORDER

-against-

CV 12-3370 (ADS)(ETB)

TOWN OF SOUTHAMPTON, ERIC SICKLES,
JAMES KIERNAN and THOMAS TULLY,

Defendants.

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Defendants' application for a stay, dated November 26, 2012, is granted for the reasons set forth therein by the movant. The court further notes that with respect to the 2009 convictions, the plaintiff acknowledges the pleas but claims that they are defective for the reasons stated.

Unless and until reversed by the state court [see N.Y. C.P.L.R. § 440 et seq.], under Heck v. Humphrey, 512 U.S. 477 (1994), there is at the very least a substantial issue whether the plaintiff can proceed any further with respect to that claim at this time.

In the absence of any real prejudice to the plaintiff, all discovery is stayed pending the outcome of the motion to dismiss.

SO ORDERED:

Dated: Central Islip, New York
December 7, 2012

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge